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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,370	04/07/2004	Joshua D. Spodek	SG-1 DIV CON	7671

1473 7590 11/29/2006

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/820,370	SPODEK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cassandra Davis	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 and 23-35 is/are allowed.
- 6) ☒ Claim(s) 16-18 and 23 is/are rejected.
- 7) ☒ Claim(s) 19-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16, 18 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell, British Patent 106,866. Campbell teaches a display device comprising stationary images mounted on a backboard 1, a slit-board 3 spaced in front of and parallel to the backboard, and a moving viewer 6 spaced from the slit-board. As the viewer moves pass the device a virtual picture or image is produced. The image can appears stationary or in motion relatively the observer. Campbell teaches that the virtual picture/image  $P$  is equal to the distance of the observer from the background 1 and the quotient of the actual width of the picture and distance between the background 1 and screen.  $P/p=D/d$ . Page 3, line 8-12. It would have been obvious to one having ordinary skill in the art at the time this invention was made to make the slit width one tenth of the actual

image width, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980)

3.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16, 18 and 23 are is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell, British Patent 106,866. Campbell teaches a display device comprising stationary images mounted on a backboard 1, a slit-board 3 spaced in front of and parallel to the backboard, and a moving viewer 6 spaced from the slit-board. As the viewer moves pass the device a virtual picture or image is produced. The image can appears stationary or in motion relatively the observer. Campbell teaches that the virtual picture/image  $P$  is equal to the distance of the observer from the background 1 and the quotient of the actual width of the picture and distance between the background 1 and screen.  $P/p=D/d$ . Page 3, line 8-

12. It would have been obvious to one having ordinary skill in the art at the time this invention was made to make the slit width one tenth of the actual image width, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980)

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Ladislav, French Patent 1029300. Ladislav teaches a display device comprising stationary images f mounted on a wall, a slit-board g spaced in front of and parallel to the backboard, and a moving viewer 6 in a train spaced from the slit-board. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the display device taught by Campbell along a train track as taught by Ladislav to enhance the view of the passengers on the train.

***Allowable Subject Matter***

7. Claims 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 1-15, 24-25 allowed.

***Response to Arguments***

9. Applicant's arguments filed January 12, 2006 have been fully considered but they are not persuasive. The applicant argues that the invention as claimed requires that the width of the slits in the slit board be selected to be at most one-tenth of the width of the images in order to project images substantially without blurring. The applicant points out that British Patent to Campbell specifies that the slots may have a width of 2 inches and the image a width of 15 inches, corresponding to a slot width to image width ratio of approximately 0.133. The 0.133 ratio is greater than the claimed 0.1 ratio.

10. The applicant has amended the claims to delete the term "about" so that it reads "said slit width is selected to be at most one-tenth of said actual image width. The examiner contends it would have been obvious to one having ordinary skill in the art at the time this invention was made to make the slit width one tenth of the actual image width, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980)

11. The rejection is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line that loops back and ends with a small flourish.

Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
November 27, 2006